

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED

AUG 17 2005

| | | |
|--|---|-----------------------------------|
| In the Matter of |) | Federal Communications Commission |
| |) | Office of Secretary |
| Amendment of Section 73.622(b), |) | MM DOCKET NO. 00-138 |
| Table of Allotments, |) | RM-9896 |
| Digital Television Broadcast Stations. |) | |
| (Boca Raton, Florida) |) | |

Directed to: Secretary,
 Federal Communications Commission

MOTION FOR LEAVE TO FILE
MOTION TO STRIKE REPLY OF SHERJAN BROADCASTING CO., INC.
TO OPPOSITION TO APPLICATION FOR REVIEW

Guenter Marksteiner ("Marksteiner") hereby respectfully submits his Motion For Leave To File requesting leave to file a separate concurrently filed pleading entitled "Motion To Strike" which requests that the Commission strike the second and third paragraphs of the "Reply" of Sherjan Broadcasting Co., Inc. ("Sherjan"), filed August 8, 2005, to Marksteiner's "Opposition" to Sherjan's "Application For Review" by the Commission of staff decisions in the above-captioned proceeding modifying the digital allotment for Station WPPB-TV, Boca Raton, Florida, from Channel *44 to Channel *40, *Report and Order*, 17 FCC Rcd 7114 (MB 2002)("R&O"), a staff decision affirming the *Report and Order* and denying Sherjan's "Petition For Reconsideration" of the *Report and Order*, *Memorandum Opinion and Order*, 17 FCC Rcd 23528 (MB 2002)(First MO&O), and a staff decision reaffirming the *Report and Order* and dismissing Sherjan's "Petition For Further Reconsideration" of the *First MO&O*, *Memorandum Opinion and*

No. of Copies rec'd
 List A B C D E

0 v 4

Order, released May 23, 2005 (MB 2005)(“Second MO&O”). With respect thereto, the following is stated:

1. Marksteiner requests leave to file the “Motion To Strike” as the second and third paragraphs of the Reply contain a false statement and inaccurate information which require the paragraphs to be stricken.

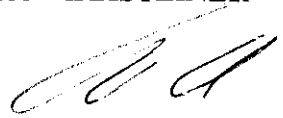
WHEREFORE, the premises considered, Marksteiner respectfully requests leave to file the Motion To Strike requesting that the second and third paragraph’s “Reply” be stricken.

Respectfully submitted,

GUENTER MARKSTEINER

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street
Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

By:



Frank R. Jazzo
Vincent J. Curtis, Jr.
Ann Bavender

Its Attorneys

August 17, 2005


CERTIFICATE OF SERVICE

I, Carla Whitlock, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Motion For Leave To File Motion To Strike Reply Of Sherjan Broadcasting Co., Inc. To Opposition To Application For Review" was sent this 17th day of August, 2005, by first-class United States Mail, postage prepaid to:

Peter Tannenwald, Esquire
Irwin Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, NW
Suite 200
Washington, D.C. 20036-3101
Counsel for Sherjan Broadcasting Co., Inc.

Paul H. Brown, Esquire
Wood Maines & Brown
1827 Jefferson Place, NW
Washington, D.C. 20036
Counsel for the School Board of Broward County

*By Hand Delivery


Carla Whitlock